

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CLINTON ALLEN,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 17-CV-765-JPS

ORDER

Plaintiff filed this appeal of a final decision of the Social Security Administration on May 31, 2017. (Docket #1). On July 19, 2017, the Court issued a briefing schedule in this matter. (Docket #8). Plaintiff filed his opening brief on September 22, 2017, in accordance with that schedule. (Docket #11). Defendant's response was due on or before November 21, 2017. (Docket #8 at 2). Inexplicably, the Court has received no brief or any other communication from Defendant before or since that date. The Court is, therefore, constrained to treat Plaintiff's arguments as unopposed and grant him the relief he seeks.¹ *See Civ. L. R. 7(d)* (failure to oppose a civil motion is sufficient cause to grant it). In both his complaint and his brief, Plaintiff requests remand of this action pursuant to Sentence Four of 42 U.S.C. § 405(g). (Docket #1 at 2; Docket #11 at 36). The Court will order the

¹More than four years ago, this Court noted that many of Defendant's briefs filed in Social Security appeals were, to put it generously, lackluster. *Freismuth v. Astrue*, 920 F. Supp. 2d 943, 953-54 (E.D. Wis. 2013). The Court found this lack of meaningful effort "insulting." *Id.* at 954. Rather than devote additional energies to that task in this case, Defendant has chosen to simply ignore it.

same, and direct Defendant to issue a new decision consistent with Seventh Circuit law and Plaintiff's concerns stated in his complaint and brief.

Accordingly,

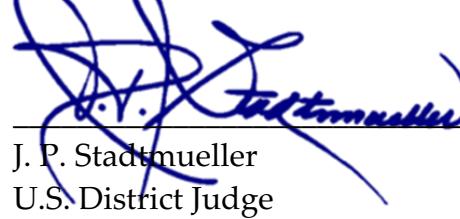
IT IS ORDERED that this matter be and the same is hereby **REMANDED** to the Commissioner of Social Security pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g); and

IT IS FURTHER ORDERED that, on remand, the administrative law judge shall issue a new decision consistent with all applicable rules and regulations as interpreted in relevant Seventh Circuit case law.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 30th day of November, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge